

1993 Wisconsin Act 457 (Vetoed in Part)

AN ACT to repeal 39.41 (1) (c); to renumber 39.41 (1) (a); to amend ~~20.235 (1) (f)~~ 39.41 (1m) (a) (intro.), 39.41 (1m) (b), 39.41 (1m) (c) (intro.) and 5, 39.41 (1m) (d), 39.41 (1m) (e), 39.41 (1m) (g), ~~39.41 (1) (b)~~ and 39.41 (8); and to create 39.41 (1) (ae), 39.41 (1) (ag), 39.41 (1m) (a) 6, 39.41 (1m) (cm), 39.41 (1m) (f), 39.41 (1m) (fm) and 39.41 (1m) (h), (i), (j) and (m) of the statutes, relating to the academic excellence higher education scholarship program and making an appropriation. **Vetoed in Part**

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vetoed
in Part

~~SECTION 1. 20.235 (1) (f) of the statutes is amended to read:~~

~~20.235 (1) (f) Academic excellence higher education scholarship. Biennially, the amounts in the schedule A sum sufficient for payments to institutions of higher education under s. 39.41.~~

SECTION 2. 39.41 (1) (a) of the statutes is renumbered 39.41 (1) (av).

SECTION 3. 39.41 (1) (ae) of the statutes is created to read:

39.41 (1) (ae) "Executive secretary" means the executive secretary of the board.

SECTION 4. 39.41 (1) (ag) of the statutes is created to read:

39.41 (1) (ag) "Faculty of the high school" means the principal administrative unit of the faculty personnel of a high school designated under sub. (1m) (j).

SECTION 5. 39.41 (1) (c) of the statutes is repealed.

SECTION 6. 39.41 (1m) (a) (intro.) of the statutes is amended to read:

39.41 (1m) (a) (intro.) By Subject to par. (d), by February 15 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school shall:

SECTION 7. 39.41 (1m) (a) 6 of the statutes is created to read:

39.41 (1m) (a) 6. For each high school with an enrollment of 2,500 or more pupils, designate the 6 seniors with the 6 highest grade point averages in all subjects as scholars.

SECTION 8. 39.41 (1m) (b) of the statutes is amended to read:

39.41 (1m) (b) By February 15 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school may, for each high school with an enrollment of less than 80 pupils, nominate the senior with the highest grade point average in all subjects

who may be designated as a scholar by the ~~state superintendent~~ executive secretary under par. (c) 3.

SECTION 9. 39.41 (1m) (c) (intro.) and 5 of the statutes are amended to read:

39.41 (1m) (c) (intro.) The ~~state superintendent~~ executive secretary shall:

5. For each public or private high school with an enrollment of less than 80 pupils, notify the school board of the school district operating the public high school or the governing body of the private high school that the school board or governing body may nominate a senior under par. (b) who may be designated as a scholar by the ~~state superintendent~~ executive secretary.

SECTION 9m. 39.41 (1m) (cm) of the statutes is created to read:

39.41 (1m) (cm) The executive secretary may grant waivers under par. (m).

SECTION 10. 39.41 (1m) (d) of the statutes is amended to read:

39.41 (1m) (d) If By February 15 of each school year, if 2 or more seniors from the same high school of at least 80 pupils have the same grade point average and, except for the limitation on the number of designated scholars, are otherwise eligible for designation under par. (a), the school board of the school district operating the high school or the governing body of the private high school shall make the faculty of the high school shall select the applicable number of seniors for designation under par. (a) of the senior who may be eligible for a higher education scholarship as a scholar as scholars and shall certify, in order of priority, any remaining seniors as alternates for a scholar with the same grade point average. If a senior from that high school designated as a scholar under par. (a) does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), an alternate for the scholar with the same grade point average as any senior from that high school designated as a scholar under par. (a) shall be eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

SECTION 11. 39.41 (1m) (e) of the statutes is amended to read:

39.41 (1m) (e) If 2 or more seniors from the same high school of less than 80 pupils have the same grade point average; and, except for the limitation of one nominated senior, are otherwise eligible for nomination under par. (b), the faculty of the high school shall select the senior who may be nominated by the school board of the school district operating the public high school or the governing body of the private high school may make the nomination of the senior who may be designated for designation under par. (b) as a scholar by the state superintendent executive secretary. If that senior is designated as a scholar by the executive secretary and does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), faculty of the high school shall select one or more of the remaining seniors with the same grade point average for certification as a scholar and the school board of the school district operating the high school or the governing body of the private high school shall certify to the board one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

SECTION 12. 39.41 (1m) (f) of the statutes is created to read:

39.41 (1m) (f) If 2 or more seniors from the Wisconsin school for the visually handicapped have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 1, the executive secretary shall make the designation under par. (c) 1 of the senior who may be eligible for a higher education scholarship as a scholar and, if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining seniors with the same grade point average as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

SECTION 13. 39.41 (1m) (fm) of the statutes is created to read:

39.41 (1m) (fm) If 2 or more seniors from the Wisconsin school for the deaf have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 2, the executive secretary shall make the designation under par. (c) 2 of the senior who may be eligible for a higher education scholarship as a scholar and, if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining seniors with the same grade point average as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

SECTION 14. 39.41 (1m) (g) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

39.41 (1m) (g) Notwithstanding par. (a), if a high school of at least 80 pupils closes or merges in the 1991-92 school year or in any school year thereafter, the school board of the school district operating the high school or the governing body of the private high school shall, subject to par. (d), for each of the 2 school years following the closure or merger, designate the same number of scholars from among the pupils enrolled in the high school at the time of closure or merger as the number of scholars designated for that high school in the school year the high school closed or merged. Any seniors designated under this paragraph shall be eligible for an original scholarship under this section.

SECTION 15. 39.41 (1m) (h), (i), (j) and (m) of the statutes are created to read:

39.41 (1m) (h) Notwithstanding par. (a), if a public high school of at least 80 pupils closed following the 1989-90 school year and a pupil from the closed high school was designated a scholar under this section for either of the 2 school years following the closure by the school board of a school district operating a high school that enrolled pupils from the closed high school, such school board shall designate the senior with the next highest grade point average for that school year as a scholar. Any scholar designated under this paragraph shall be eligible for a higher education scholarship under sub. (2) (b) or (3) (b) as determined under par. (a), notwithstanding that the scholar did not receive a higher education scholarship for the academic year immediately following the school year in which the pupil from the closed high school was designated a scholar under this section.

(i) Notwithstanding par. (d), if the school board of a school district operating a high school or the governing body of a private high school has complied with s. 39.41 (1m) (d), 1991 stats., for the 1993-94 school year and a senior from that high school designated as a scholar under s. 39.41 (1m) (a), 1991 stats., and s. 39.41 (1m) (d), 1991 stats., does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the faculty of the high school shall select one or more of the remaining seniors with the same grade point average for certification as a scholar. The school board of the school district operating the high school or the governing body of the private high school shall certify to the board one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

(j) In the event that 2 or more seniors from the same high school of at least 80 pupils have the same grade point average and are otherwise eligible for designation under par. (a), the school board of the school district operating the high school or the governing body of the private high school shall make the designation of the faculty of the high school for purposes of par. (d) or (i).

(m) Notwithstanding pars. (a), (b) and (d), if a high school ranks its seniors on the basis of grades in academic subjects, the school board of the school district operating the high school or the governing body of the private high school or, for purposes of par. (d), the faculty of the high school may request a waiver from the executive secretary in order to fulfill its requirements under par. (a), (b) or (d) on the basis of grade point averages in academic subjects.

Vetoed
in Part

~~SECTION 16. 39.41 (4) (b) of the statutes is amended to read:
39.41 (4) (b) The board shall make the payments under subs. (2) (c) and (3) from the appropriation under s. 20.235 (1) (f) subject to the availability of~~

~~funds. If the amount in the appropriation under s. 20.235 (1) (f) in any fiscal year is insufficient to fully make the payments, the amount of each payment shall be reduced proportionately.~~

Vetoed
in Part

SECTION 17. 39.41 (8) of the statutes is amended to read:

39.41 (8) The ~~state superintendent~~ executive secretary shall promulgate rules establishing criteria for the designation of scholars under sub. (1m) (c) 3.

SECTION 18. **Initial applicability.** This act first applies to higher education scholarships awarded for the 1994-95 academic year.